

COOLEY LLP
BENEDICT Y. HUR (224018)
(bhur@cooley.com)
SIMONA AGNOLUCCI (246943)
(sagnolucci@cooley.com)
EDUARDO E. SANTACANA (281668)
(esantacana@cooley.com)
ARGEMIRA FLÓREZ (331153)
(aflorez@cooley.com)
HARRIS MATEEN (335593)
(hmateen@cooley.com)
ISABELLA MCKINLEY CORBO (346226)
(icorbo@cooley.com)
NAIARA TOKER (346145)
(ntoker@cooley.com)
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

Attorneys for Defendant
GOOGLE LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANIBAL RODRIGUEZ, et al. individually and
on behalf of all others similarly situated,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 3:20-CV-04688-RS

**DECLARATION OF NAIARA TOKER IN
SUPPORT OF DEFENDANT GOOGLE LLC'S
MOTION TO SHORTEN TIME FOR HEARING
ON MOTION TO QUASH SUBPOENA**

Time: 9:30 a.m.
Pretrial Conf: July 30, 2025
Dept: 3, 17th Fl.
Judge: Hon. Richard Seeborg

Date Action Filed: July 14, 2020
Trial Date: August 18, 2025

1 I, NAIARA TOKER, hereby declare as follows:

2 1. I am counsel for Defendant Google LLC (“Google”) in the above captioned action.
3 I am duly licensed to practice law in the state of California and am admitted to practice before this
4 Court. The matters set forth herein are of my own personal knowledge, and if called as a witness
5 to testify, I could and would testify to these matters. I submit this declaration in support of Google’s
6 Motion to Shorten Time for Hearing on Motion to Quash Subpoena (the “Motion to Shorten
7 Time”), filed concurrently herewith.

8 2. Trial in this action is scheduled to commence on August 18, 2025. The parties
9 exchanged witness lists on June 6, 2025. Plaintiffs did not include Kent Walker, Google’s Chief
10 Legal Officer, on their witness list.

11 3. On July 8, 2025, Plaintiffs served on Mr. Walker a subpoena to appear and testify
12 at trial on August 18, 2025 (the “Subpoena”).

13 4. Google timely filed a motion to quash the Subpoena on July 22, 2025 (the “Motion
14 to Quash Subpoena”). Due to the requirement in Civil Local Rule 7-2(a) that “all motions [] be
15 filed, served, and noticed in writing on the motion calendar of the assigned Judge for hearing not
16 less than 35 days after filing of the motion,” the earliest date the Motion to Quash Subpoena can be
17 heard is August 26, 2025—over a week after the Subpoena purports to require Mr. Walker’s
18 appearance at trial.

19 5. Google now seeks to shorten the time for hearing the Motion to Quash Subpoena
20 such that the hearing occur before the commencement of trial on August 18, 2025. Google is
21 willing to waive filing a reply brief to accommodate an expedited hearing.

22 6. On July 22, 2025, prior to the filing of Google’s Motion to Quash Subpoena, I
23 emailed counsel for Plaintiffs informing them of Google’s intent to both file the Motion to Quash
24 Subpoena and request that the Court shorten time for its hearing. I further informed counsel that
25 Google would waive filing a reply brief to accommodate an expedited hearing. I requested that
26 counsel inform me as to whether they would consent to or oppose Google’s Motion to Shorten
27 Time. Counsel for Plaintiffs asked whether Google was proposing any hearing dates. I responded
28 that Google was willing to consider dates that worked for Plaintiffs’ team. Counsel responded that

1 “Plaintiffs will review Google's Motion to Quash once it is filed and will then determine Plaintiffs’
2 position on both Google's Motion to Quash and Google's Motion to Shorten Time at that time.” A
3 true and correct copy of these email communications is attached hereto as **Exhibit A**.

4 7. If the Court does not shorten time for hearing the Motion to Quash Subpoena, the
5 Subpoena will be in effect as of the commencement of trial in this action. Thus, Google would be
6 substantially prejudiced without shortened time because it would have no avenue to quash the
7 Subpoena, despite a timely-filed motion. Google would accordingly have to ensure that its Chief
8 Legal Officer—an apex witness lacking first-hand knowledge of the issues in this case, as indicated
9 by Plaintiffs’ failure to disclose Mr. Walker at any point as an individual with relevant information
10 or to include him on their exhibit list—appears at this trial, despite its belief that the Subpoena is
11 issued solely to harass and impose an undue burden upon Google.

12 8. Because the Motion to Quash Subpoena is not a disclosure or discovery dispute,
13 Civil Local Rule 37-1(a) does not apply.

14 9. The underlying dispute that would be addressed in Google’s Motion to Quash
15 Subpoena is whether the apex doctrine applies, such that Plaintiffs’ attempt to subject Google’s
16 Chief Legal Officer to the Court’s subpoena power constitutes an undue burden sufficient to quash
17 the subpoena under Federal Rule of Civil Procedure 45 because Mr. Walker is a high-level
18 executive who does not possess any unique, first-hand knowledge. It is Google’s position that the
19 apex doctrine applies to Mr. Walker, because Plaintiffs have not shown Mr. Walker possesses any
20 knowledge, let alone unique knowledge, about the issues in this action. It is also Google’s position
21 that Plaintiffs’ filings indicate that they do not intend to use Mr. Walker to impeach any specific
22 witness. Although Plaintiffs have not formally provided a position, Google understands that they
23 will oppose Google’s Motion to Quash Subpoena.

24 10. The previous time modifications in this case are listed below in reverse
25 chronological order:

- 26 a. On July 22, 2025, the Court granted the parties’ stipulation to extend the voir
27 dire deadline. (ECF No. 564.)
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- b. On June 27, 2025, the Court granted the parties' stipulation to extend time to respond to motions *in limine*. (ECF No. 539.)
- c. On June 23, 2025, the Court issued a text order resetting the date of the final pretrial conference. (ECF No. 516.)
- d. On November 8, 2024, the Court granted the parties' stipulation to modify the class notice period and opt-out deadline. (ECF No. 440.)
- e. On October 25, 2024, following the parties' Joint Submission Regarding Trial Dates and Schedule, the Court issued a text order continuing the dates for trial and the final pretrial conference. (ECF No. 438.)
- f. On July 15, 2024, the Court granted the parties' stipulation modifying the commencement of the class notice period. (ECF No. 413.)
- g. On May 22, 2024, the Court granted the parties' stipulation extending Google's deadline to file its reply in support of its motion for summary judgment. (ECF No. 403.)
- h. On April 8, 2024, the Court granted the parties' stipulated summary judgment briefing schedule, filed pursuant to the Court's direction. (ECF No. 386.)
- i. On January 18, 2024, the Court granted the parties' stipulation to extend Google's time to file public versions of records following an order granting in part and denying in part a motion to seal. (ECF No. 358.)
- j. On August 2, 2023, the Court granted the parties' stipulation to extend Google's time to respond to Plaintiffs' administrative motion to seal. (ECF No. 319.)
- k. On July 24, 2023, the Court granted the parties' stipulation to extend Google's time to respond to Plaintiffs' administrative motion to seal. (ECF No. 317.)
- l. On May 3, 2023, the Court granted the parties' stipulation to modify the case management schedule regarding expert rebuttal reports and class certification briefing. (ECF No. 311.)

- m. On January 13, 2023, the Court granted the parties' stipulation modifying the case management schedule as to the deadlines for certain opening expert reports. (ECF No. 301.)
- n. On January 5, 2023, the Court granted the parties' stipulation extending discovery and class certification deadlines. (ECF No. 290.)
- o. On December 23, 2022, the Court granted in part Plaintiffs' request to modify the case management schedule by extending the deadline for submitting opening expert reports. (ECF No. 282.)
- p. On August 11, 2022, the Court granted the parties' stipulation extending discovery and class certification deadlines. (ECF No. 246.)
- q. On May 20, 2022, the Court granted the parties' stipulation extending discovery and class certification deadlines. (ECF No. 244.)
- r. On February 2, 2022, the Court granted the parties' stipulation extending time for Google to answer Plaintiffs' third amended complaint. (ECF No. 218.)
- s. On February 1, 2022, the Court granted the parties' stipulation setting a class certification briefing schedule. (ECF No. 215.)
- t. On September 13, 2021, the Court granted the parties' stipulation extending time for Google to answer Plaintiffs' third amended complaint. (ECF No. 135.)
- u. On September 1, 2021, the Court granted the parties' stipulation extending time for Google to answer Plaintiffs' third amended complaint. (ECF No. 129.)
- v. On August 13, 2021, the Court granted the parties' stipulation continuing discovery deadlines. (ECF No. 126.)
- w. On January 4, 2021, the Court granted the parties' stipulation rescheduling the hearing on Google's motion to dismiss Plaintiffs' first amended complaint. (ECF No. 68.)

11. Shortening time would have no effect on the schedule for this case, as it would change no deadline other than the hearing of the Motion to Quash Subpoena.

1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that the forgoing is true and correct.

3 Executed on July 22, 2025 at San Francisco, California.
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6 /s/ Naiara Toker

7 Naiara Toker
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